



MINUTES
Regular Meeting
Reno City Council

Wednesday, December 4, 2013 • 12:00 PM

Reno City Council Chamber, One East First Street, Reno, NV 89501

Robert A. Cashell, Sr., Mayor

Council Members:

Ward 1 – Jenny Brekhus	Ward 4 – Dwight Dortch
Ward 2 – Sharon Zadra	Ward 5 – Neoma Jardon
Ward 3 – Oscar Delgado	At-Large – Hillary Schieve

A Introductory Items

- A.1 Pledge of Allegiance**
- A.2 Observance of a Moment of Silence**
- A.3 Roll Call**

Attendee Name	Title	Status	Arrived
Robert Cashell	Mayor	Present	
Jenny Brekhus	Council Member	Present	
Sharon Zadra	Council Member	Present	
Oscar Delgado	Council Member	Present	
Dwight Dortch	Council Member	Present	
Neoma Jardon	Council Member	Present	
Hillary Schieve	Council Member	Present	
Andrew Clinger	City Manager	Present	
Bill Thomas	Assistant City Manager	Present	

The meeting was called to order at 12:17 PM.

A.4 Public Comment

Ernest C. Aldridge, 315 Vine Street, Fernley, Nevada, discussed Nevada Revised Statutes (NRS) 5.05 and the City Charter regarding limits of the City's jurisdiction over civil matters.

Stuart Mackie, Reno resident, discussed issues related to NRS and the City's Charter.

Mark Markel, 40 Park Street, discussed the dangers of drinking and driving.

A.5 City Manager Announcements (Item for general announcements and informational items only. No deliberation or action will be taken on this item.)

Assistant City Manager Thomas made several announcements.

A.6 Approval of the Agenda (For Possible Action) - December 4, 2013.

The agenda was approved with Item E.2 withdrawn.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

A.7 Approval of Minutes (For Possible Action) - November 20, 2013.

The minutes were approved with several amendments proposed by Council Member Brekhus.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jenny Brekhus, Council Member
SECONDER:	Dwight Dortch, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

B Cash Disbursements

B.1 Staff Report (For Possible Action): Acceptance of Cash Disbursements Reports for November 3, 2013 through November 9, 2013. 12:32 PM

Recommendation: Staff recommends accept the attached Cash Disbursements reports.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Dwight Dortch, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

C Proclamations - None.**D Presentations**

D.1 Economic Development Update - DICE One Big Idea Competition - Erik R. Hatch, H+K Architects 12:33 PM

Deanna Gescheider, Director of Communications and Community Engagement, and Erik Hatch presented the update.

D.2 Holiday Card for Heroes - Valeri Truce, Northern Nevada Chapter of the American Red Cross. 12:46 PM

Claire Andriola, CEO of the Northern Nevada Chapter of the American Red Cross, presented the report.

E Consent Agenda

The Consent Agenda was approved with Item E.2 withdrawn and Items E.1.a.1 and E.3 pulled for discussion.

E.1 Approval of Privileged Business Licenses**E.1.a New - Alcohol**

1. Idlewild Market, LLC, Shaheen Ali Khan, 595 Booth Street - Packaged Liquor (For Possible Action) [**Ward 1**]

THIS ITEM WAS PULLED FOR DISCUSSION.

Michael Chaump, Business Relations Manager, presented an overview of the request for a packaged liquor license.

Mayor Cashell stated his objection to the license because of its location near Reno High School and the new Boys and Girls Club.

Council Member Brekhus and Claudia Hanson, Planning and Engineering Manager, discussed zoning and Special Use Permit (SUP) issues related to the site.

Creig Skau, Deputy City Attorney, discussed standard grounds for denial of an alcohol or privileged license.

Mayor Cashell and Mr. Chaump discussed the sale of packaged liquor at the nearby convenience store, and Mayor Cashell withdrew his objections.

Council Member Brekhus said that prohibiting the sale of alcohol in this location should have been considered during the SUP process, but it was a staff recommendation to the Planning Commission that unfortunately did not come before the Council. She noted that the applicant was vested in his right to receive the permit.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jenny Brekhus, Council Member
SECONDER:	Dwight Dortch, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

E.1.b New - Privileged

1. Veritas Empowerment Boutique, Verita Prothro, 201 West Moana Lane - Second Hand Merchandise (For Possible Action) [**Ward 2**]

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- E.2 Staff Report (For Possible Action):** Acceptance of Settlement and Release Agreement for payment from Charter Communications to the City of Reno for Cable Franchise Fee Audit Findings in the amount of \$88,122. 12:51 PM

Recommendation: Staff recommends Council approval of the Settlement and Release Agreement with Charter Communications, for payment of \$88,122 in

cable franchise fees due the City of Reno, and authorization for the Mayor to sign.

Proposed Motion: I move to approve staff recommendation.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

RESULT:	WITHDRAWN
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E.3 Staff Report (For Possible Action): Approval of Contract with Sada Systems for continued maintenance of Google Apps for Government in an amount not to exceed \$105,480 (General Fund). 12:59 PM

Recommendation: Staff recommends approving the contract with Sada Systems for the Google Apps for government software package continued maintenance in an amount not to exceed \$105,480.

Proposed Motion: I move to approve the staff recommendation.

Daniel Johnson, Communication and Technology Manager, presented a brief overview of the Staff Report.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Hillary Schieve, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

E.4 Staff Report (For Possible Action): Approval of Public Highway Agreement related to the previously approved Quitclaim Deed transferring 508 square feet of the City of Reno's interest in certain real property located on Ashbrooke Drive at South McCarran to the Nevada Department of Transportation (NDOT). 12:51 PM

Recommendation: Staff recommends approval of the Public Highway Agreement to related to the previously approved Quitclaim Deed to finish the transferring of the City of Reno's interest in said property, and authorization for the Mayor to execute the Public Highway Agreement.

Proposed Motion: I move to approve staff recommendation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

F Public Hearings - 12:15 PM - None.

G Ordinances, Adoption

H Resolutions

- H.1 **Resolution No. 7922:** Staff Report (For Possible Action): Resolution No. _____ Resolution approving Sponsorship to Artown for the 2014 Festival and approval of the agreement in the amount of \$112,500 (Room Tax Fund). 1:01 PM

Recommendation: Staff recommends Council adopt Resolution No. _____, including approval of the attached \$112,500 Agreement and authorization for the Mayor _____ to _____ sign.

Proposed Motion: I move to adopt Resolution No. _____, and approve the Agreement for \$112,500 for Artown 2014 Sponsorship and authorization for the Mayor to sign.

Resolution No. 7922 was adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

- H.2 **Resolution No. 7923:** Staff Report (For Possible Action): Resolution No. _____ Resolution approving Sponsorship to the Pioneer Center for Performing Arts for the 2013-2014 performing arts season and approval of the agreement in the amount of \$40,960 (Room Tax Fund). 1:01 PM

Recommendation: Staff recommends Council adopt Resolution No. _____, including approval of attached \$40,960 Agreement for the 2013/14 Sponsorship and _____ authorization _____ for _____ the Mayor _____ to _____ sign.

Proposed Motion: I move to adopt Resolution No. _____, and approve the Agreement for \$40,960 to the Pioneer Center for Performing Arts for 2013/14 Sponsorship and authorize the Mayor to sign.

Resolution No. 7923 was adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

I Ordinances, Introduction

- I.1 Staff Report (For Possible Action): Ordinance Introduction - Bill No. _____ Ordinance amending the Reno Municipal Code, Title 4, entitled "Business License Code", Chapter 4.04, entitled "In General", adding a new section 4.04.065 entitled "Stay on the Acceptance of Business License Applications Related to Medical Marijuana Establishments operating within the Corporate Limits of the City", and other matters properly relating thereto. **[All Words]** 1:02 PM

Recommendation: Staff recommends Council refer to the Committee of the Whole.

Proposed Motion: I move to refer Bill No. _____ to the Committee of the Whole.

Council Member Brekhus explained why she would not support the ordinance.

Bill No. 6878 was referred to the Committee of the Whole.

RESULT:	FIRST READ [6 TO 1]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Zadra, Delgado, Dortch, Jardon, Schieve
NAYS:	Jenny Brekhus

J Standard Department Items

Finance and Administration

J.1 Staff Report (For Possible Action): Discussion and potential approval of Security Agreement between the City of Reno and Allied Barton Security Services for City Hall from January 1, 2014 through May 31, 2015 in an amount not to exceed \$195,000 (General Fund). 1:03 PM

Recommendation: Staff recommends Council approve Security Services Contract between the City of Reno and Allied Barton Security Services for City Hall and authorize the Mayor to sign.

Proposed Motion: I move to approve staff recommendation.

Kyle West, Safety and Training Manager, presented an overview of the Staff Report.

Discussion ensued regarding the joinder process; other entities' satisfaction with Allied Barton's services; extension provisions included in the agreement; the monthly evaluation process; the possibility of offering a one-year contract; and contract exclusivity issues, including termination without cause.

Council Member Zadra stated that Securitas Security Services performed far above the standards outlined in their contract, but were unable to meet the current Request for Performance (RFP) conditions, and Mr. West agreed that the Securitas contract was not being terminated for 'cause'.

Mayor Cashell requested that staff investigate why there had recently been a noticeable lack of security at the Community Assistance Center (CAC).

It was moved by Council Member Brekhus to request that next year the City Manager provide the Council with the rationale for extending the contract an additional year.

The motion failed for lack of a second.

The Council approved the security agreement with Allied Barton Security Services.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Oscar Delgado, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

Public Works

J.2 Staff Report (For Possible Action): Update and potential direction to staff on the community outreach plan for forthcoming changes to the residential recycling and waste disposal program. 1:12 PM - *Distributed After Initial Posting*

Recommendation: Staff recommends Council accept the report.

Proposed Motion: I move to approve staff recommendation.

Deanna Gescheider, Director of Communications and Community Engagement, presented an overview of the Staff Report.

MAYOR CASHELL ABSENT AT 1:14 P.M. VICE MAYOR DORTCH PRESIDED IN MAYOR CASHELL'S ABSENCE.

Discussion ensued regarding the low response from resident users regarding their preferred service options; Waste Management (WM) advertising with respect to the upcoming changes in services; the current lack of outreach to seniors and the Spanish-speaking community; and container default issues.

MAYOR CASHELL PRESENT AT 1:18 P.M.

Council directed staff to reach out to senior citizens and the Spanish-speaking population via such media as the Reno Gazette-Journal (RGJ) and Senior Spectrum newspapers.

K City Clerk

K.1 Staff Report (For Possible Action): Discussion and approval of Council Appointments to public bodies including Boards, Commissions, Districts, Subcommittees, and other public groups. (For Possible Action) 1:27 PM

Recommendation: Staff recommends Council make the appropriate appointments.

Proposed Motion: I move to approve staff recommendation.

Council agreed that the City's Neighborhood Advisory Boards (NABs) would be reconsidered in early January 2014.

Council agreed that except for changes to Artown, Youth City Council, Downtown Police Tax District, Recreation and Parks Commission, Regional Transportation Commission and the Truckee River Flood Management Authority, all of the remaining Boards and Commissions appointments would remain the same.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

Motion: Artown

Council Member Schieve was appointed to replace Council Member Delgado on the Artown Board of Directors.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Hillary Schieve, Council Member
SECONDER:	Oscar Delgado, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

Motion: Youth City Council

Council Member Delgado was appointed to replace Council Member Schieve on the Youth City Council.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Hillary Schieve, Council Member
SECONDER:	Oscar Delgado, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

Motion: Downtown Police Tax District Committee

Council Member Brekhus was appointed to replace Council Member Schieve on the Downtown Police Tax District Committee.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Hillary Schieve, Council Member
SECONDER:	Dwight Dortch, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

Motion: Recreation and Parks Commission

Council Member Delgado was appointed to replace Council Member Brekhus on the Recreation and Parks Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jenny Brekhus, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

Motion: Regional Transportation Commission

Council Member Jardon was appointed to the 2-year expiring term; Council Member Dortch stepped down from his seat on the Commission; and Council Member Zadra was reappointed to a 1-year term on the Regional Transportation Commission (RTC).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Hillary Schieve, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

Motion: Truckee River Flood Management Authority

Mayor Cashell was reappointed for a 1-year term (term expires November 2014), and Council Member Delgado was appointed for a 2-year term (term expires November 2015) on the Truckee River Flood Management Authority (TRFMA).

RESULT:	APPROVED [6 TO 1]
MOVER:	Sharon Zadra, Council Member
SECONDER:	Dwight Dortch, Council Member
AYES:	Cashell, Zadra, Delgado, Dortch, Jardon, Schieve
NAYS:	Jenny Brekhus

K.2 Staff Report (For Possible Action): Discussion and potential authorization for one or more Council Member(s) and/or staff to apply to serve as a representative(s) of the City of Reno on the Nevada Interagency Council on Homelessness, as created by Governor Sandoval's Executive Order 2013-20. (For Possible Action) 1:46 PM

Recommendation: Staff recommends that the Council appoint a Council Member or a City Manager designee to apply for membership on the Governor's Interagency Council on Homelessness.

Proposed Motion: I move to approve _____ apply for membership on the Governor's Interagency Council on Homelessness.

Fred Turnier, Community Development Director, presented an overview of the Staff Report.

Mayor Cashell was asked to apply to the Nevada Interagency Council on Homelessness.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Hillary Schieve, Council Member
SECONDER:	Dwight Dortch, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

L Mayor and Council

L.1 Identification of Mayor and Council Items for future agendas of the Reno City Council. 1:49 PM

Council Member Jardon requested a workshop on packaged liquor.

Council Member Schieve requested a clean-up and review of the relevancy of all of the City's Boards and Commission.

L.2 Liaison Reports

NO ACTION WAS TAKEN ON THIS ITEM.

L.3 Reports from any conferences or professional meetings. 1:53 PM

Council Member Delgado discussed the recent Kansas City conference.

L.4 Staff Report (For Possible Action): Approval of the reallocation from Council Donation Funds to the City of Reno Public Works Department to fund the purchase of red LED bulbs for the Reno Arch, from Mayor Cashell in the amount of \$3,000, from Councilmember Brekhus in the amount of \$1,000, from Councilmember Zadra in the amount of \$1,000, from Councilmember Delgado in the amount of \$500 and from Councilmember Dortch in the amount of \$2,000, for a total amount of \$7,500 (General Fund). [**Dortch, Delgado, Cashell, Zadra, Brekhus**] 1:56 PM

Recommendation: Staff recommends Council approval of the transfer of funds to Public Works.

Proposed Motion: I move to approve the recommended allocation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Sharon Zadra, Council Member
AYES:	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

M Public Hearings - 6:00 PM

M.1 Staff Report (For Possible Action): Case No. LDC14-00015 (Southeast Connector Phase 2) Request for: (1) a special use permit to: a) allow grading with fills of 10 feet or more, b) disturbance of a major drainageway, and c) protection of significant hydrological resources in the Cooperative Planning Area Overlay District; and (2) a variance to: a) allow encroachment in a floodway; and b) raise the water surface elevation in a portion of Critical Flood Zone 1 to construct the Southeast Connector Regional Roadway. The project extends ± 3.59 miles north from the South Meadows/Veterans Parkway intersection to Pembroke Drive, ± 1.05 miles east of its intersection with McCarran Boulevard in the UT40 (Urban Transition), PUD (Planned Unit Development), PF (Public Facility) and OS (Open Space) zones. The site has Master Plan land use designations of Unincorporated Transition, Single Family Residential and Parks/Recreation/Open Space. This item was appealed by Kimberly Rhodemyre, Upper South East Communities Coalition Inc., and Stephen C. Mollath. **[Ward 3] 6:09 PM**

Recommendation: The Planning Commission recommends Council approve the requested special use permit and variance, subject to the conditions in the staff report.

Proposed Motion: I move to uphold the recommendation of the Planning Commission.

A RECESS WAS CALLED AT 1:58 P.M. AND UPON RECONVENING AT 6:09 P.M., ALL WERE PRESENT.

Mayor Cashell disclosed that his son, Robert A. Cashell, Jr., has an interest in Northpointe Sierra, Inc., which is a tenant of Petro Shopping Center's Limited Partnership and TA Operating LLC, which company operates the Alamo Truck Stop located in Sparks, Nevada. The record owner of the property is HPT PSC Properties Trust. Northpointe operates the gaming bar, restaurant, and Super 8 Motel in the Alamo Truck Stop. TA Operating LLC operates the gas islands, diesel islands, store, and truck repairs. Neither myself or Northpointe has any interest in the real property, fuel or other operations of TA Operating LLC. Northpointe pays me a promissory note dated 2000 related to stock redemption for the sale of my interest in the company. The notice is a fixed rate and there is no fluctuation in note payments based on gross receipts or revenues of Northpointe. Neither myself, my son, or Northpointe has any financial interest in the transaction being considered by the city council. Additionally I have no facts or reason to believe that the council's consideration and voting on this matter provides any benefit or detriment to my son or Northpointe that is greater than that accruing to any other member of the general business profession, occupation or group that is affected in the matter. The

Nevada Commission on Ethics has issued an opinion upholding my prior disclosures relating to my son and Northpointe on the Southeast Connector confirm that I can vote on the project. A copy of this opinion has been provided to the city council and city clerk for the record.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given, and 11 e-mails in opposition were received from: 1) Mary Anderson, 4710 Parkvista Court; 2) Clarence, cbasso@charter.net; 3) James A. Busey, 3100 Creekwood Drive; 4) Bill Danton, shrinktfit@aol.com; 5) Michael Dubois, President Rosewood Lakes HOA, michael.dubois@sbcglobal.net; 6) Marge Frandsen, 7805 North Southmoor Circle; 7) Billy Howard, Billy@billyhoward@info; 8) Mike and Marlene Parks, 3100 Creekwood Drive; 9) Janet and Steve Pederson, 2940 Fairwood Drive; 10) John Saludes, jsaludes@earthlink.net; and 11) Helene Y. Sasser, Fairwood Drive, hysasser@charter.net). Ms. Jones also said that one e-mail in favor was received from Dennis Rodenburg, 4380 Sierra Madre Drive.

Mayor Cashell opened the public hearing.

Kim Rhodemyre, 4313 Leeward Lane, appellant representing the Upper South East Communities Coalition, Inc., discussed their opposition to the proposed Special Use Permit (SUP) and variance, and explained how they were aggrieved due to the proximity to the project to their homes.

It was moved by Council Member Dortch, seconded by Council Member Jardon to find that appellant Kim Rhodemyre was aggrieved.

Council Member Brekhus stated that the Council was taking this action without any guidance of code or law but rather by practice that was neither written nor formally adopted.

Motion carried.

Stephen C. Mollath, appellant representing the Bella Vista Ranch/Butler Ranch, said that Regional Transportation Commission (RTC) and Bella Vista Ranch/Butler Ranch had agreed upon a set of conditions and, in conjunction with that, and approval of the conditions in connection with approval of the SUP, if that occurred, their appeal would be withdrawn. When the Planning Commission approved the SUP and sent it to the City Council and it was appealed, he said, no conditions that had been requested by Bella Vista Ranch/Butler Ranch were addressed or placed on that particular approval. These conditions, he said, are approximately the conditions we wanted at the Planning Commission level.

Mr. Mollath said that the appellant was aggrieved because none of the proposed conditions that addressed Bella Vista Ranch's concerns had been placed on the project,

and approximately 300 acres was being taken from their property for the project.

It was moved by Council Member Dortch, seconded by Council Member Jardon to find that appellant Stephen C. Mollath's client was aggrieved.

Motion carried.

Mayor Cashell asked if anyone wished to speak.

The following 13 individuals spoke in opposition to the SUP and variance and/or project: 1) Michael Snell, 2805 Fairwood Drive; 2) Wayne Sievers, 415 Hidden Meadows Court, Hidden Meadows HOA; 3) John Saludes, 7155 Pebble Beach Drive; 4) Jerry Cruitt, 5469 Hidden Valley Court; 5) Ken Morgan, 6355 Plum Hollow Circle; 6) Rick Odynski, 2780 Fairwood Drive; 7) John Hanson, 293 Nicholas Drive; 8) Pat Moore, 5406 Hidden Valley Court; 9) Jessica Rosemark, 7355 Rocky Flats Court; 10) Bill Rosemark, 7355 Rocky Flats Court; 11) Shannon Windle, 10696 Fort Morgan Way, President of Hidden Valley Wild Horse Protection Fund; 12) Judith Snell, 2805 Fairwood Drive; and 13) Nancy Fitzgerald, 4601 West Hidden Valley Drive.

The following three (3) individuals presented Public Comment Forms in opposition to the project, but did not wish to speak: 1) Sherry L. Morrey, 6000 Meadow Edge Drive; 2) Yvonne Nordmeyer, 206 Meadow Edge Court; and 3) Lee and Deborah Wilson, 7285 Lingfield Drive.

The following two (2) individuals spoke in support of the project: 1) Joseph R. Howard, 8680 Struetter Way; and 2) Tray Abney, representing the Reno Sparks Chamber of Commerce.

The following two (2) individuals presented Public Comment Forms in favor of the SUP and variance, but did not speak: 1) Mike Kinney, 3885 Peregrine Circle; and 2) Brian Reeder, 3360 Pierremont Road.

The following 34 individuals presented Public Comment Forms in favor of the SUP and variance, but did not wish to speak: 1) Payne Avera, 167 East Sixth Avenue; 2) Pete Avera, 167 East Sixth Avenue; 3) Jeremiah Bakman, 950 North Saliman Road #B105, Carson City; 4) Michael Britton, 2402 Sunny Slope Drive #3; 5) Uriel Collazo, 290 High Street; 6) Albert Daniel, 3084 Myles Drive; 7) David Dodson, 856 Lighthouse Court; 8) Scott Fullerton, 1290 Corporate Boulevard; 9) Dylan Gallagher, 9555 Cordoba Boulevard, Sparks; 10) Maverick Gibbons, 4081 Desert Fox Drive; 11) Ken Greene, 5105 Tucumcari Circle; 12) Veronica Guajardo, 950 North Saliman Road #B105; 13) Roy R. Gugin, 2665 Cactus View Drive; 14) Flynt Hill, 167 East Sixth Avenue; 15) Tracy Holland, 4875 Pradera Street, Sparks; 16) Andrew Howard, 5200 Summit Ridge Drive #2214; 17) Eloy Jara, 3385 Norman Drive; 18) Dwayne Killgore, 1290 Corporate Boulevard; 19) Anthony Kinney, 7509 Gold Court; 20) Patrick Laughlin, 7410 Estates Road; 21) James McCombs, 75 Blue Skies Court; 22) Michelle Montoya, 2185 Gridley Avenue; 23) Richard Montoya, 2185 Gridley Avenue; 24) Terry Picard, 1290 Corporate

Boulevard; 25) Taylor Polan, 1304 Sandyhill Lane; 26) Brian Roll, 5300 Mira Loma Drive; 27) Patrick Rucker, 1615 Davidson Way; 28) Heather Russell, 1014 Ringneck Way, Sparks; 29) John Russell, 570 Reactor Way; 30) Matthew Setty, 1763 Cleta Drive; 31) Bernard Smith, 4895 Charlotte Way; 32) Doris M. Swank, 11685 Pepper Way; 33) T. Sweat, 1150 Terminal Way; and 34) Mike Weinstein, 8980 Limnol Street.

The Mayor closed the public comment portion of the hearing.

Dale Ferguson, attorney representing Bella Vista Ranch, outlined the additional conditions for the SUP that would address their concerns and, as a result, allow them to withdraw their request.

Lee Gibson, Executive Director of RTC, said that they had come to an acceptable agreement with Bella Vista Ranch.

Mr. Mollath agreed that they would like to have the conditions outlined by Mr. Ferguson attached to the SUP, and reiterated that they would withdraw their appeal if the conditions were attached with any approval of the project.

Council Member Brekhus said that this sounded like a contract between two parties and added another procedural flaw to the process.

Council Member Dortch said that if there were conditions that were not applicable to an SUP the Council typically put them on as long as they were agreed upon by the applicant.

Council Member Delgado asked if the proposed changes outlined by the appellant would in any way change the design of the roadway.

Garth Oksol, RTC Project Manager, said that the changes would not change any of the design aspects of the roadway, and everything discussed was within the footprint of the roadway. The vast majority, he said, was underneath the pavement.

Council Member Brekhus discussed owner's affidavit issues, and asked who the applicant was.

Jonathan Shipman, Deputy City Attorney, replied that RTC was the applicant, and explained that Butler Ranch, as property owner, had agreed to sign the affidavit.

Discussion ensued regarding 'defects' that had been remedied since the Planning Commission meeting, and potential changes to the Planned Unit Development (PUD).

W. Chris Wicker, attorney representing RTC, said it was RTC and the Planning Commission's position that the lack of an owner's affidavit was not a defect in the application. By reaching this agreement with Butler Ranch, he said, they had agreed to drop their appeal and not pursue judicial review. He also said that RTC felt that there was no attempt to modify the PUD, and the reference to the PUD in his letter was only to

point out prior obligations of the Butler Ranch.

Discussion ensued regarding the reference to construction of Veterans Parkway on page 85, section 'E', of the Butler Ranch PUD.

Council Member Brekus said that the City was obligated to see that an amendment to the PUD was requested, and Council Member Dortch replied that an amendment was not necessary because the project conditions accomplished what the PUD set out to do: the property was being sold to RTC and the roadway was going to be built.

Council Member Brekhus and Bill Gall, Community Development Senior Civil Engineer, discussed the design of Veterans Parkway in the PUD and the roadway design submitted with the SUP application.

Council Member Dortch requested that RTC discuss how the findings could be made.

Mr. Oksol discussed in detail how RTC believed the necessary findings for the SUP and variance could be made.

Mr. Gall briefly addressed the response to concerns raised at the Planning Commission meeting, the Planning Commission's ability to make the findings and their recommendation to approve the SUP and variance request, and staff's written response to Ms. Rhodemyer's letter.

Council Member Delgado and Mr. Gall discussed the history of the project and the RTC Plan.

Council Member Brekhus and Fred Turnier, Community Development Director, discussed Ms. Brekhus's concerns that the City was going down the road of nonconformance with NRS 278.0284.

Council Member Brekhus explained why she believed that approval of this would make the City vulnerable on a very basic and established precept of Nevada law and conformity.

Council Member Zadra and Mr. Turnier discussed a recent meeting with Ms. Rhodemyre, Mr. Turnier, Assistant City Manager Bill Thomas, and Public Works Director John Flansberg during which Southeast Connector issues were discussed, and the memorandum that was prepared after that meeting.

Ms. Rhodemyre said that she had not yet had adequate time to examine the memorandum in detail, but would like a future opportunity to discuss dust control and other issues that might arise after she had done so.

Council Member Zadra and Mr. Oksol discussed how RTC determined the course of the roadway.

Ms. Rhodemyre said that all three of the proposed routes met RTC's criteria of connecting to Sparks Boulevard.

Council Member Dortch stated that the route had already been determined and was not on tonight's agenda.

Council Member Zadra and Matthew Setty, CH2M Hill Environmental Manager and Lead Designer for the environmental components of the project, discussed dust mitigation issues.

Council Member Schieve and Mr. Setty discussed the independent study that had been conducted on methyl mercury concentrations, CH2M Hill's experience in removing it from the soil, and how mercury is dispersed into the environment.

Council Member Schieve and Mr. Oksol discussed the proposal to bury the mercury under the roadway.

Council Member Schieve and Mr. Setty discussed the health effects of mercury.

Council Member Delgado and Mr. Setty discussed the presence of arsenic in the environment, and whether contamination equipment would be worn by workers during construction.

Mr. Oksol said that despite the disturbance of the soil, there had been no violations for dust or discharge into the creek associated with Phase 1 of the project.

Council Member Delgado and Mr. Setty discussed whether the U.S. Army Corps of Engineers would require an environmental impact study or assessment, and the wetland mitigation efforts to be undertaken by RTC.

Council Member Jardon and Mr. Setty discussed nearby developments with high concentrations of mercury present in the soil, and how RTC proposed to mitigate the transportation of mercury into the project in the future.

Council Member Brekhus and Mr. Setty discussed timing of the Corps' decision, and issues related to the regulation of impacts to the wetland.

Mr. Oksol said that one of the conditions of the SUP was that RTC get a 404 permit before they could implement what the SUP had attached to it.

Council Member Brekhus and Claudia Hanson, Community Development Planning and Engineering Manager, discussed 'project of regional significance' issues.

Council Member Brekhus and Mr. Oksol discussed issues related to projected traffic volume.

Council Member Dortch stated that traffic issues had no relevance to what was before the Council tonight.

Council Member Brekhus discussed the volume of traffic on the new roadway, and said that it would constitute a project of regional significance.

Mr. Oksol discussed the approval of the RTC Regional Plan, and said that a traffic impact analysis would not be applicable to the project because it (the project) would alleviate not add traffic like a development would.

Discussion ensued regarding whether a traffic impact analysis was required, and whether this was a project of regional significance.

Council Member Brekhus said that the City was applying a different procedure than they had ever done before, and Council Member Dortch replied that it was the same procedure the City had always used for projects of regional significance.

Ms. Hanson agreed that the procedure was the same, which had recently been confirmed by the Director of the Regional Planning Agency.

Rick Odynski discussed his opposition to moving contaminated dirt from one area to another.

Council Member Brekhus suggested that the proper noticing process for a project of regional significance had not been followed, and Mr. Turnier reiterated that the project of regional significance issue was not before the Council tonight.

Council Member Brekhus and Ms. Hanson discussed whether tonight's item was a project of regional significance.

Mr. Shipman concurred with staff that what was in front of the Council tonight was a request for an SUP and a variance, not an application for a project of regional significance, and did not require project of regional significance publication requirements.

Council Member Delgado said that he was prepared to make a motion.

Council Member Brekhus said that she had a number of additional comments to make.

It was moved by Council Member Delgado, seconded by Council Member Jardon to stop the discussion.

Motion carried with Council Member Brekhus voting nay.

It was moved by Council Member Delgado, seconded by Council Member

Schieve to deny the Planning Commission recommendation on the basis that the following findings could not be made: General Special Use Permit findings 'a', 'b', 'c', 'd', 'e' and 'f'; Cut and Fills Special Use Permit finding 'a'; Special Use Permit Disturbance of a Major Drainageway findings 'a' and 'e'; Special use Permit Hydrologic Resources findings 'a', 'b', 'e' and 'h'; and Variance finding 'c'.

Council Member Brekhus asked if that was an adequate record of the findings if the motion should pass, and Mr. Shipman said that it was up to the Council to decide that issue.

Council Members Brekhus and Delgado discussed in detail how the findings outlined in the motion to overturn the Planning Commission recommendation could not be made.

Discussion ensued regarding staff's ability to make the findings.

Motion failed with Council Members Dortch, Jardon and Zadra and Mayor Cashell voting nay.

It was moved by Council Member Dortch, seconded by Council Member Jardon to uphold the recommendation of the Planning Commission and make the findings, subject to the conditions outlined in the Staff Report and with the additional conditions presented at the table.

Council Member Dortch said that a lot of the discussion regarding not being able to make the findings was based on a roadway that had already been approved, and detailed how the findings could be made.

Motion carried with Council Members Brekhus, Delgado and Schieve voting nay.

RESULT:	APPROVED [4 TO 3]
MOVER:	Dwight Dortch, Council Member
SECONDER:	Neoma Jardon, Council Member
AYES:	Robert Cashell, Sharon Zadra, Dwight Dortch, Neoma Jardon
NAYS:	Jenny Brekhus, Oscar Delgado, Hillary Schieve

N Public Comment

NO ACTION WAS TAKEN ON THIS ITEM.

O Adjournment (For Possible Action)

THE MEETING WAS ADJOURNED AT 9:15 P.M.